Passed
MB

Scott. H-27—39,004—24-10-44.

Home (1945) Department.

(10)

Ms MSERIES.

G.O. No. 4403

Dated 10th December 1945.

[Despatch Abstract.]

Courts - Civil - South Kanara district - Appointment of additional Sub-Judge, Mangalore - Further retention for one year - Sanctioned.

R.O.C.No.4352/45-D2.

42913 C 18/12/45

From

P.T. Raman Nayar Esq., I.C.S.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department, Madras.
(with enclosures).

Dated 9th November '45.

Sir,

Sub: Courts - Civil - South Kanara District - Appointment of additional Subordinate Judge, Mangalore - continuance - recommended.

Ref: High Court's Proceedings R.Dis.No.1242/44 dated 4-12-44.

(11) For the reasons stated in his letter N.A.483/45 dated 12-10-45 (copy enclosed) the District Judge of South Kanara recommends that the term of the appointment of the additional Subordinate Judge, Mangalore and staff last sanctioned in the High Court's Proceedings R.Dis.No.1242/44

dated 4-12-44 may be extended for a further period of one year from 15-12-1945.

2. The Honourable the Judges support the District Judge's recommendation.

3. Necessary provision has been made in the current year's budget and the draft budget for 1946--1947 for the retention of the Additional Sub Judge and his staff.

P. T. Raman 12/1/45

R E G I S T R A R.

tmv. Ad

Copy of letter No.A.483/45, dated 12th October 1945, from the District Judge of South Kanara, Mangalore, to The Registrar, High Court, Madras.

Sir,

Sub: Courts - Civil - Appointment of Additional Subordinate Judge, Mangalore - Continuance beyond 14-12-1945 - Report submitted.
Ref: High Court R.O.C.No.4352/45-D2 dated 25-9-45.

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p.21-8-05(d) . In G.O.Ms.No.5579 Home Department dated 8-4-1943 an additional Sub Judge was appointed to the Sub Court, Mangalore, for a term of six months from the reopening of that court after the summer recess of 1943. The court reopened on the 15th of June 1943. The term of the sanction was, however, extended from time to time and the term so extended is due to expire on the 14th of December of the current year.

4p1-4-08(2)

2. On 15-6-1943 (the date on which the Additional Sub Court commenced to function) there were 1013 appeals pending in the district - 439 in the District Court and 574 in the Sub Court. By the end of December 1943 the pendency of appeals was reduced to 765 - 506 were pending in the District Court and 259 in the Sub Court. 310 out of the 506 appeals pending in the District Court and 256 out of the 259 pending in the Sub Court were over six months old. 195 appeals were disposed of during the period in the District Court and 322 in the Sub Court by the two Sub Judges.

3. 459 appeals were instituted in the year 1944 and 699 were disposed of---224 in the District Court and 475 in the Sub Court, by the two Sub Judges. The pendency of appeals in the district at the end of the year was 528. Out of these, 390 were pending in the District Court and 138 in the Sub Court.

4. During the current year up to 30th September 398 appeals have been instituted, which exceed by 72 the number instituted in the corresponding period of the previous year (326). 472 appeals have been disposed of in the current year up to 30th September - 150 in the District Court and 322 in the Sub Court, by the two Sub Judges. 457 appeals were pending in the district on 30th September - 229 in the District Court and 228 in the Sub Court. 108 out of the appeals pending in the District Court and 102 out of those pending in the Sub Court are over six months old.

5. The total pendency of appeals has been reduced to less than half of what it was at the commencement of the term of sanction of an additional Sub Judge to the Sub Court, Mangalore (15-6-1943). The special attention paid to the disposal of appeals and the reduction of their pendency has, however, had the effect of increasing the pendency of original suits in the Sub Court.

B

6. There were 93 original suits pending in the Sub Court on 15-6-1943 and 20 out of these suits were over a year old. 83 original suits were filed between 15-6-1943 and 31-12-43. During this period 65 suits were disposed of in the Sub Court - 45 by the Additional Sub Judge and 20 by the Principal Sub Judge. The latter also disposed of 27 sessions cases as Assistant Sessions Judge. The total number of original suits pending in the Sub Court on 31-12-43 was considerably higher - 111 original suits as against 93 on 15-6-1943. The number of old suits, however, was not allowed to rise and it stood at 20.

7. During 1944, 109 original suits were instituted in the Sub Court and 88 were disposed of. 11 sessions cases were disposed of by the Principal Sub Judge during the year as Assistant Sessions Judge. The number of suits pending on 31-12-1944 was 144, out of which 51 were over a year old.

8. During the current year up to 30th September, 76 suits have been instituted and 82 suits disposed of, leaving 149 suits pending, out of which 52 are over a year old.

9. The total institution of original suits for the past 27½ months during which the additional Sub Judge has been functioning is 268 while the total disposal by the Principal Sub Judge and the addi-

additional sub Judge during the period is 235 suits and the average institution and disposal per month is about 10 and 9 respectively. The Principal Sub Judge reports that even if preference is given to the disposal of original suits over civil appeals and greater efforts are made in this direction, it may not be possible to raise the disposals considerably.

10. On a consideration of the present state of pendency of original suits in the Sub Court - 149, out of which 52 are over a year old, compared with 93 and 20 respectively on 15-6-1943 - and the rate of disposals during the last 27½ months and also having regard to the criminal appeals instituted in the District Court - 119 were filed up to 30th September in the curent year - and sessions cases and other civil and criminal work in the District Court and in the Sub Court, including 24 Land Acquisition Cases in the Sub Court which are in the nature of original suits, the retention of the Additional Sub Judge for a year from 15-12-1945 is necessary. I, therefore, recommend that the High Court might be pleased to extend the term of appointment of an additional Sub Judge to the Sub Court, Mangalore, for a period of one year with effect from 15-12-1945 when the present term of sanction expires.

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+.5-9 infra

11. Statements showing the institutions, disposals and arrears in this court and in the Sub Court, Mangalore, for the year 1944 and for the current year up to 30th September are submitted herewith.

(True Copy)

P. Krishnadevaya Mendalore
10.11.1945

Sub Assistant Registrar,

TMV

Statement showing the institutions, disposals and arrears in the District Court of South Kanara for the year 1944.

Period presided over From	To	Name of the presiding officer
1-1-1944 and 26-10-1944	31-8-1944 and 31-12-1944	B. Koman, Esq., I.C.S.,
1-9-1944	25-10-1944	Sri C. Kunhirama Menon, M.A., B.L.,

	Instituted.	Disposed of		Still pending	
		After full trial.	Total.	Total	Old Cases.
Sessions Cases					
B.Koman Esq.,		25	25	--	--
C.K.Menon, Esq.,		5	5	2	--
Total for the court.	38	30	30	2	--
Criminal Appeals.					
B.Koman, Esq.,		77	77	--	--
C.K.Menon,Esq.,		8	8	18	5
Total for the Court.	98	85	85	18	5
Criminal Revision Petitions.					
B.Koman,Esq.,		3	3	--	--
C.K.Menon, Esq.,		1	1	1	--
Total for the court	5	4	4	1	--
Original suits.					
B.Koman, Esq.,		--	2	--	--
C.K.Menon, Esq.,		--	--	8	4
Total for the court	5	--	2	8	4
Civil Appeals.					
B.Koman, Esq.,		174	197	--	--
C.K.Menon,Esq.,		26	27	390	111
Total for the court.	459	200	224	390	111
Civil Miscellaneous Appeals.					
B.Koman, Esq.,		44	50	--	--
C.K.Menon, Esq.,		4	6	38	22
Total for the court	53	48	56	38	22
Original Petitions.					
B.Koman, Esq.,		32	134	--	--
C.K.Menon, Esq.,		3	31	45	14
Total for the court	147	35	165	45	14

District Court, South Kanara, Mangalore, October 1945.

(Sd.) K.Srinivasan, District Judge.

(True Copy)

6

Statement showing the institutions, disposals and arrears in the District Court of South Kanara for the current year 1945 up to 30-9-1945

Period presided over From	To	Name of the Presiding officer.
1-1-1945	1-6-1945	B.Koman, Esq., I.C.S.,
2-6-1945.	30-9-1945.	K.Srinivasan, Esq., I.C.S.,

	Instituted.	Disposed of - After full trial	Disposed of - Total	Pending - Total	Pending - Old cases.
Sessions Cases.					
B.Koman, Esq.,		4	4		
K.Srinivasan, Esq.,		17	17		
Total for the court.	33	21	21	6	1
Criminal Appeals.					
B.Koman, Esq.,		33	33		
K.Srinivasan, Esq.,		67	67		
Total for the court.	119	100	100	37	3
Criminal Revision Petitions					
B.Koman, Esq.,		1	1		
K.Srinivasan, Esq.,		2	2		
Total for the court.	2	3	3	--	-
Original Suits.					
B.Koman Esq.,		[illegible]	3		
K.Srinivasan, Esq.,		[illegible]	1		
Total for the court.	...	1	4	4	2
Civil Appeals.					
B.Koman, Esq.,		83	87		
K.Srinivasan, Esq.,		56	63		
Total for the court.	398	139	150	229	108
Civil Miscellaneous Appeals.					
B.Koman, Esq.,		18	21		
K.Srinivasan, Esq.,		18	18		
Total for the court.	22	36	39	20	13
Original Petitions.					
B.Koman, Esq., I.C.S.,		8	49		
K.Srinivasan, Esq.,		34	103		
Total for the court.	147	42	152	42	9

District Court, South Kanara. (Sd.) K.Srinivasan

Mangalore, October 1945. District Judge.

(True Copy)

Sub Assistant Registrar.

tmv.

Statement showing the state of the file in the Subordinate Judge's Court, South Kanara from 1-1-1944 to 31-12-1944.

Names of presiding officers.	Period presided over From	To
Sri C.Kunhirama Menon, M.A.,B.L., Principal Subordinate Judge.	1-1-1944 26-10-1944	31-8-1944 and 1-12-1944.
Sri T.D.Ramaiya Pantulu M.A.,B.L., Additional Subordinate Judge	1-1-1944 1-9-1944	31-8-1944 and 3-9-1944
Sri E.Krishnamurthi M.A.,B.L., Subordinate Judge.	4-9-1944 2-12-1944	25-10-1944 31-12-1944
Additional Subordinate Judge.	26-10-1944	1-12-1944

Nature of suit or Proceeding.	Instituted.	Disposed of			Total pending	
		After full trial.	Uncontested.	Total.	Total.	Old
Original Suits.						
Sri C.K.Menon		11	13	24		
Sri T.D.Ramaiya.		19	14	33		
Sri E.Krishnamurthi		24	7	31		
Total.	109	54	34	88	144	51
Small Causes Suits.						
Sri C.K.Menon.		1	--	1	--	--
Sri T.D.Ramaiya		17	40	57		
Sri E.Krishnamurthi		12	35	47		
Total	118	30	75	105	38	8
Appeal Suits (Recd.by transfer)						
Sri C.K.Menon		103	--	103		
Sri T.D.Ramaiya		258	--	258		
Sri E. rishnamurthi		114	--	114		
Total	373	475	..	475	138	73
Civil Miscellaneous Appeals. (Recd. by transfer)						
Sri T.D. Ramaiya		4		4		
Total	3	4	..	4	..	.
ORIGINAL PETITIONS.						
Sri T.D.Ramaiya		10	46	56		
		6	14	20		
Total	67	16	60	76	23	14
Miscellaneous Petitions. (including L.A.Cs.) and one escheat case: Sri C.K.Menon		108	604	712		
Sri T.K.Ramaiya		60	681	741		
Sri E.Krishnamurthi		50	601	651		
Total.	2025	218	1886	2104	230	86

P.T.O.

Execution Petitions.

Sri C.K.Menon.		...	...	156	...	...
Sri T.D.Ramaiya.		...	...	68		
Sri E.Krishnamurthi		...	...	67		
	Total.	331	..	... 291	134	30

Insolvency Petitions.

Sri T.D.Ramaiya.		..	...	4	...	...
Sri E.Krishnamurthi		...	...	6	..	...
	Total	19	..	... 10	5	..

Sessions Cases.

Sri C.K.Menon.		10	...	10		
Sri E.Krishnamurthi		1	..	1		
	Total.	9	11	... 11	1	..

District Court, South Kanara.
Mangalore, October 1945.

(Sd.) K.Srinivasan,
District Judge.

(True Copy)

P. Krishnaswamy Mandyam 10.05.45
Sub-Assistant Registrar.

TMP.

Statement showing the state of the file in the Subordinate Judge's Court of South Kanara from 1-1-1945 to 30-9-1945.

Names of the presiding officers.	Period presided over From	To
Sri E.Krishnamurthi, M.A.,B.L.		
Subordinate Judge	1-1-1945	4-1-1945
Additional Subordinate Judge	5-1-1945	1-4-1945
Do.	2-6-1945	30-9-1945
Sri A.Parameshwara Aiyar,B.A.,B.L., Principal Subordinate Judge.	5-1-1945	2-5-1945
Sri S.Narasimhulu, B.A., Principal Subordinate Judge.	2-6-1945	30-9-1945.

Nature of proceedings.	Instituted.	Disposed of: After full trial	Disposed of: Uncontested	Disposed of: Total	Total pending	Old
Original Suits.						
Sri E.Krishnamurthi		30	12	42	71	22
Sri A.Parameshwara Aiyar.		6	6	12	..	...
Sri S.Narasimhulu.		15	13	28	78	30
Total for the court	85*	51	31	82	149	52.
	*including 9 suits received by transfer).					
Small Cause Suits.						
Sri E.Krishnamurthi		21	68	89	38	11
Sri S.Narasimhulu		-.	1	1	..	..
Total for the court.	90	21	69	90	38	11
Appeal suits (Received by transfer)						
Sri E.Krishnamurthi		184	..	184	104	..
Sri A.Parameshwara Aiyar.		54	..	54	..	...
Sri S.Narasimhulu.		84	..	84	124	....
Total for the court.	429	322	...	322	228	102
Civil Miscellaneous Appeals	--	--	--	---	---	---
Original Petitions.						
Sri E.Krishnamurthi	39	18	29	47	18	5
Miscellaneous Petitions (including L.A.Cs.)						
Sri E.Krishnamurthi		60	799	859	108	21
Sri A.Parameshwara Aiyar.		48	259	307	..	..
Sri S.Narasimhulu		68	421	489	216	50
Total for the court.	1793	176	1479	1655	324*	71
	*These include 24 L.A.Cases.					
Execution Petitions.						
Sri E.Krishnamurthi		77		77	39	9
Sri A.Parameshwara Aiyar.		66		66	..	..
Sri S.Narasimhulu		92	..	92	82	34
Total for the court.	220	235	...	235	121	43
Insolvency Petitions.						
Sri E.Krishnamurthi.	8	7	...	7	6	2
Sessions Cases (Received by transfer).						
Sri A.Parameshwara Aiyar.		2	...	2	..	-
Sri S.Narasimhulu.		6	..1	7	..	..
Total for the Court	8	8	1	9	...	...

District Court,S.Kanara,
Mangalore, October 1945.

(True Copy)

(Sd.) K.Srinivasan,
District Judge

(CNo. 4293E) 44/10/12

Home Dept.

Courts - Civil - South Kanara district - Appointment of additional Sub-judge, Mangalore - ~~Extension~~ further retention for one year - Sanctioned.

Read again: G.O. No. 5579 Home dated 8-4-43.

Read also: From The High Court R.O.C. No. 4352/45-D2 dated 9-11-45.

G.O. Ms. No. 4463 dated 10.12.45

Sanction is accorded to the ~~extension~~ retention for a further period of one year from 15.12.45 of the appointment of the additional Sub-judge, Mangalore, with the establishment, the retention of which was last sanctioned in The High Court's Proceedings R. Dis. No. 1242/44 dated 4-12-44.

2. The expenditure should be met from the appropriation under the head "27. f. Administration of justice - B. Mufassal Civil and Sessions Courts -

17

Regular establishments – Pay of officers and pay of establishments – Authorised.

30.11.45

30.11.45

Appd. by Spl. Secy. 30/11/45

To the Hon. the C.J.
" the Dt. Judge, South Kanara.
" A.G. through the Finance Dept.

Despd. 1/12/45

(C.No.42913/E) Home Dept

Courts - civil - South Kanara district - Appointment of additional Sub judge, Mangalore - Extension of term.

pp 1-2 of. From the High Court R.O.C. No. 4352/45-Dr dated 9.11.45

p 21-22 of. (d) In G.O. No. 5579 Home dated 8-4-1943 sanction was accorded to the appointment of a temporary additional subordinate judge with the usual staff of 3 clerks and 3 peons, to the sub Court, Mangalore in the South Kanara district for a period of six months from the date of the reopening of the Court after the summer recess in 1943. The post was

p 1-4 of (n) continued from time to time and the last sanction accorded in the High Court's proceedings R. Dis. No. 1242/44 dated 4-12-44 expires on 14-12-45. The

pp 3-4 of G.O. 1374 Home d. 17-11-43 (n) Dt. judge, South Kanara now requests that for the reasons set out in paras 7-10 of his letter the pp 3-4 the term of the additional subordinate judge and staff may be extended for a period of one year with effect from 15.12.1945. The Hon. the Judges

para 2 p. 2 of. recommend the continuance of the appointment for a period of one year.

2. The pendency in the Sub Court, Mangalore on the basis of which the additional sub judge was first sanctioned - and the pendency on 30.9.45 are as shown below:-

		G. S.	Small Cause Suits	Appeals.
(2) A	15.7.42	89 (34)	77	228
	30.9.45	149 (52)	38	228

3. The following statement shows the state of work in the Subordinate Judge's Court, Mangalore since 1942:

	Original Suits			S.C. Suits			Appeal Suits		
	Ins.	Dis.	Pen.	Ins.	Dis.	Pen.	Ins.	Dis.	Pen.
42	73	95	79(26)	157	154	49	—	154	195(38)
43	114	92	111(20)	102	127	25	—	394	259(256)
44	109	88	144(51)	118	105	38	—	475	138 (73)
45(upto 30.9.45)	85 x	82	149(52)	90	90	38	—	322	228(102)

[x including 9 suits received by transfer]

4. On the basis of the standard outturn of 6 O.S. (after full trial) fixed for the Sub Judge, Mangalore, the pendency of 149 O.S. (52 old) on 30.9.45 alone represents work for more than a year for a single officer irrespective of subsequent institutions. For orders whether in the circumstances the recommendation of the High Court may be accepted.

R

5. Finance may see for remarks.

MLS
21.11.45.

21.11.45

22/11/45

22/11/45

Finance Dept.

Home Dept. 42913 E/45-1 22.11.45.

SECRETARY TO GOVERNOR
22 NOV 1945
FINANCE DEPARTMENT

Received 17 CF 5339

Finance Dy.

At the instance of the High Court, the Home Dept. propose to sanction the continuance of the addl Subordinate Judge, Mangalore and his staff last sanctioned in High Court's proceedings R/Ors No 1242/44 3:-4 CF of (IV) dated 4.12.44 ~~may be sanctioned~~ for a further period of one year ~~extension~~ from 15.12.45.

The appointment of the temporary additional Subordinate Judge was first sanctioned for a period of 6 months from the date of the re-opening of the Court after the summer recess for 1943. It was continued from time to time by extensions granted by the High Court in view of the powers delegated to it during the period of war. The last sanction accorded by the High Court expires on 14-12-45.

The Home department state that as the pendency of 149 Original Suits (52 old) as on 30-9-45 represents work for more than a year for a single officer on the basis of the standard outturn of 56 Original suits, after full trial, the continuance of the post for another year may be sanctioned.

2. The following statement shows the number of cases instituted, disposed of and pending since 1939:

	Original suits.			S.C. suits			Appeal suits.		
	Instd	Disd	Pend	Instd	Disd	Pend	Instd	Disd	Pend
1939	96	148	140	215	234	129	-	264	662
1940	87	130	111	178	224	85	662	263	458
1941	80	103	95	160	195	50	106	244	184
1942	73	95	79 (26)	157	159	49	-	154	195 (138
1943	114	92 (613)	111 (20)	102	127	25	-	394	259 (25
1944	109	88	144 (51)	118	105	38	-	475	138 (73
1945 up to (30-9-45)	85	82 (494)	149 (52)	90	90	38	-	322	228 (11

The post of additional temporary Subordinate Judge has been in existence since June 1939 except for the period from 10-4-41 to 14-6-43. It is stated that the special attention paid to the disposal of appeals and the reduction of their pendency had had the effect of increasing the pendency of the Original suits. It may however be observed from the statement above that there has been a continuous fall in the disposal of Original suits and Small Cause suits and that the total number of disposals for the 9 months in the current year is actually less than what it was in 1943 when there were 2 officers only for a period of 6 months. There seems to be thus more scope for clearing off the arrears .

The pendency

in the Sub-Court on ~~30-9-35~~ 15-7-42 on the basis of which the additional post was sanctioned for a period of 6 months and the pendency now reported as on 30-9-45 are as follows:

Date	Original suits	Small Cause suits	Appeals.
15-7-42	89(34)	77	228
30-9-45	149(52)	38	228.

As the increase in the pendency on 30-9-45 represents an excess of 50 % over that on 15-7-42 and that too under Original suits only this department may suggest that the continuance of the additional post may be sanctioned for a period of 9 months only.

Home's proposal may be agreed to. But it may be pointed out that the diminution in the disposals under original suits $\left(\frac{140-1939}{88-1944}\right)$ and small cause suits $\left(\frac{234-1939}{105-1944}\right)$ is not quite counterbalanced by the increase in the disposals under Appeals $\left(\frac{264-1939}{475-1944}\right)$. Appeals are presumably easier to dispose of than original or even small cause suits.

28.11.45

JOINT SECRETARY TO GOVERNMENT 8 - DEC 1945 Home Dept.

ASSISTANT SECRETARY 29 NOV 1945 Finance Dept.

45268 29.11.45

Home Dept.

Please see the Finance Dept's note on pp 2-4 above. That Dept. agree to the proposal to continue the additional Subordinate Judge, Mangalore and the establishment for a further period of one year with effect from 15.12.45. A draft order is submitted for approval.

2. With reference to S above, please see paras 5 & 9 of the Dt. Judge's letter on pp 3-4 f. As the number disposed of depends largely on the quality of the suits or appeals, it is perhaps not necessary to bring the observation at S above to the notice of the High Court

30.11.45

Govt. transmit to High Court Watch Civil Cr disposal / 2a

pp 11-12 ✓

(Issued as Cir. M. No. 4403 Home dated 10.12.45)